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REMARKS

Reconsideration of the application, as amended, is respectfully requested.

Claims 14-16 have been amended to correct the informalities noted by the Office. The word "consisting" has been deleted from several claims to avoid any implication that infringement of the claims are avoided by addition of other ingredients. Claims 1, 14 and 18 have been amended to recite sorbitol in addition to diol and triol humectants. Sorbitol is mentioned on page 14, line 26.

As to the term "reducing sugar" it is submitted that this is a well known term of the chemical arts and that one of ordinary skill would be able to ascertain with reasonable certainty whether or not a sugar is a reducing sugar.

Claims 1-18 are rejected over Maxwell et al. US 6063432 in view of various secondary references.

It has been difficult to formulate nutrition bars containing transition metals and/or transition metal compounds and soy proteins without incurring off-taste, browning, and/or suboptimal sensorial properties. The present invention is directed to bars which are formulated to comprise elevated levels of proteins yet not to suffer unacceptably from a deterioration in taste or other organoleptic properties over time. These may result from reactions between proteins and reducing sugars catalyzed by transition metals.

In one aspect, defined by claim 1, the invention is directed to a nutritional bar which comprises about 10 wt% or more of soy and/or rice protein, about 1 wt% or more of which is in the form of nuggets, at least one transition metal or transition metal compound and about 2 wt% or more of a humectant selected

from the group of diol and triol polyols and sorbitol. The Office points to the teaching by Maxwell of saccharides which may be maltitol or mannitol. The Office characterizes these as triol polyols, but it is not clear upon what basis that classification is made since each has more than three hydroxyl groups. Therefore, it would be appreciated if the Office would withdraw the rejection or clarify the basis for including maltitol and mannitol among triols.

In a further aspect, defined by claim 14, the invention concerns a nutritional bar comprising about 10%wt or more of soy and/or rice protein, at least one transition metal or transition metal compound, and about 2%wt or more of humectant selected from the group including diol, triol and sorbitol humectant, wherein the nutrition bar has an  $A_w$  of 0.45 or less. Again, the Office points to Maxwell's teaching of the saccharides maltitol or mannitol but it would appear that these have more than three hydroxyl groups. Clarification is requested as to the basis for considering these to be triols if the rejection is to be maintained.

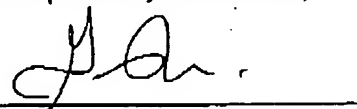
In another aspect, defined by claim 18, the invention relates to a nutritional bar comprising about 10%wt or more of soy and/or rice protein, at least one transition metal or transition metal compound, about 2%wt or more of a humectant selected from the group of diol and triol polyols and sorbitol, wherein the nuggets further include about 5% wt. to about 25% wt. of a reducing sugar, the nutritional bar also including about 5% wt. or more soy and/or rice protein in the form of nuggets. Again the Office points to teachings of maltitol and mannitol rather than to diols and triols, so it is requested that the rejection be withdrawn.

In claim 16, the invention is directed to a nutritional bar comprising about 10%wt or more of soy and/or rice protein, and at least one transition metal or transition metal compound, wherein the at least one transition metal or transition

metal compound is in a substantially water insoluble form at 20°C, and about 2%wt or more of a humectant. Although Maxwell et al. mention possible inclusion of minerals, the Office points to no teaching by Maxwell et al. that a nutrition bar could be advantageously devised having about 10 wt% or more of soy and/or rice protein, at least one transition metal and/or transition metal compound in a substantially water insoluble form at 20°C and about 2 wt% or more of a humectant. The Office points to the Nanbu et al. patent, which teaches insoluble mineral materials for excellent dispersion stability in a wide variety of fields such as foods, cosmetics and industrial products. The Office points to no teaching by Nanbu et al. of nutrition bars and it is submitted that at best one would need to use proscribed hindsight to select the recited (in claim 16) combination of protein, transition metal and/or compound and humectant to arrive at applicant's invention.

In view of the foregoing, it is respectfully requested that the application, as amended, be allowed.

Respectfully submitted,



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